



## FORT SILL LEGAL ASSISTANCE



### FLAGS: TRANSFERABLE AND NONTRANSFERABLE

#### **What is a Flag?**

A Flag is an administrative tool that prevents favorable actions to a Soldier who may be in an unfavorable status (not in good standing).

#### **Can I PCS if I am Flagged?**

Flags may prevent Soldiers from PCSing to his or her next duty station if it is in the best interests of the Army for the Soldier to remain in his or her current unit until cleared of ongoing actions. This is called a nontransferable Flag. However, the Soldier's command may authorize a PCS move if the move is in the best interests of the Army. In this case, the Flag will remain in place at the Soldier's gaining unit.

#### **What kind of Flags are nontransferable?**

Some Flags will prevent Soldiers from PCSing. These Flags are known as "nontransferable flags." These Flags include, but are not limited to:

- A. Commander's Investigation: Commanders must initiate a Flag when a Soldier is a suspect or subject of an ongoing investigation or board. Examples of investigations include: Commander's Inquiry, Financial Liability Investigation of Property Loss, and AR 15-6 Investigations.
- B. Law Enforcement Investigation: Commanders must Flag Soldiers titled as possible subjects by law enforcement agencies.
- C. Adverse Actions: Commanders must Flag Soldiers for adverse actions including, but limited to: Article 15, UCMJ, or civilian criminal proceedings; inefficiency or misconduct; initiation of non-punitive action; and AWOL status.
- D. Involuntary Separation or Discharge: Commanders must Flag Soldiers pending involuntary separation or discharge.
- E. Pending "Relief for Cause" or "Referred" Evaluations: Commanders must Flag Soldiers pending a "Relief for Cause" or "Referred" evaluation.
- F. Security Violations: Commanders must Flag Soldiers if there is a reasonable suspicion of repetitive security violation; if a Soldier's security clearance has been denied or revoked; or if other matters related to the investigation of national security crimes exist.

- G. Drug Abuse Adverse Action: Commanders must initiate a Flag based on adverse action resulting from a drug abuse-related incident.
- H. Alcohol Abuse Adverse Action: Commanders must initiate a Flag based on adverse action resulting from an alcohol abuse-related incident.
- I. Nonrecommendation for Automatic Promotion: Commanders must Flag Soldiers who are not recommended for automatic promotion.
- J. Lautenberg Amendment: Commanders must initiate a Flag for Soldiers with a qualifying conviction under the Domestic Violence Amendment of the Gun Control Act of 1968.
- K. Family Care Plan: Commanders must Flag Soldiers who fail to provide and maintain an adequate Family Care Plan.

### **What kind of Flags are transferable?**

Flags that will remain with the Soldier at their gaining unit upon PCSing include:

- A. Punishment Phase: Commanders must initiate a Flag when disciplinary actions are in the punishment phase that does not include confinement, restraint, or geographical travel restrictions.
- B. APFT Failure: Commanders must initiate a Flag when a Soldier fails an APFT or does not take the APFT within the time prescribed by existing regulation.
- C. Noncompliance with Army Weight Control Program: Commanders must initiate this Flag when Soldiers do not comply with the Army Weight Control Program.

### **Will I know if I am Flagged?**

Yes, the Flagging authority, unit Commander, or first line supervisor will counsel all Soldiers in writing upon initiation of any Flag within two working days, unless counseling will interfere with an ongoing investigation. The Flag will also be visible on the Soldier's ERB or ORB. For more information on Flags, please see Army Regulation 600-8-2 at [http://www.apd.army.mil/pdf/files/r600\\_8\\_2.pdf](http://www.apd.army.mil/pdf/files/r600_8_2.pdf)

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If you have questions concerning the information in this fact sheet, please call the Legal Assistance Office at (580) 442-5058 or (580) 442-5059. Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 – 1600, and Thursdays 1300-1600. The Fort Sill Legal Assistance Office is located on the 4th floor of Building 4700, Hartell Hall (Welcome Center) on Mow-Way Road.